

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

JAN 31 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:)

Amendment of Section 73.202(b),)

Table of Allotments,)

FM Broadcast Stations,)

(Mansfield and Stonewall,)

Louisiana))

RM - _____

To: Chief, Allocations Branch
 Policy & Rules Division, Mass Media Bureau

PETITION FOR RULE MAKING

DeSoto Broadcasting Corporation ("DeSoto"), Licensee of Radio Station KORI-FM at Mansfield, Louisiana, by Counsel, and pursuant to §1.401 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations for the reallocation of Channel 284C3 from Mansfield, Louisiana to Stonewall, Louisiana, and the modification of the KORI-FM license to specify Stonewall as its new community of license, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Mansfield, Louisiana	224A, 284C3	224A
Stonewall, Louisiana	---	284C3

In support hereof, the following is shown:

Technical Criteria

- Attached hereto as Exhibit A is an Engineering Statement prepared by Lyndon H. Willoughby wherein it is stated that Channel 284C3 may be

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reallotted to the community of Stonewall, Louisiana in compliance with Section 73.207 of the Commission's Rules regarding current spacing requirements. According to the Engineering Statement, Channel 284C3 may be reallotted to Stonewall at reference coordinates North Latitude 32 - 07 - 00 and West Longitude 93 - 53 - 10. From this location, the 3.16 mV/m city-grade contour will encompass the entire city limits of Stonewall while also meeting the distance separation requirements to (1) the License and Construction Permit for Radio Station KJTX-FM at Jefferson, Texas, (2) the allotment of Channel 283A at Gibsland, Louisiana, and (3) Radio Station KTOY-FM (Channel 284A) at Texarkana, Arkansas.

Compliance With FCC Criteria For Channel Reallotments

2. The proposed reallotment of Channel 284C3 and modification of the KORL-FM license must comply with a variety of special criteria, as recently set forth in Ada, Newcastle and Watonga, Oklahoma, MM Docket 95-175, DA-1951 (released November 29, 1996); and Sumter, Orangeburg and Columbia, South Carolina, MM Docket 89-590, DA 96-843 (released June 4, 1996). As demonstrated immediately below, DeSoto's proposal complies with such special criteria:

A. **Incorporated Town / Local Services:** The U.S. Census Bureau has designated Stonewall as a "census place," the current population of which is 1,818. According to the 1980 and 1990 census counts, there were 1,175 and 1,266 residents of

Stonewall at such times. Therefore, Stonewall is experiencing steady population growth.

Stonewall is also an incorporated municipality, and has an elected Mayor and elected Aldermen. Stonewall has its own police force (including its Chief of Police) as well as its own designated postal zip code -- 71078. Stonewall also has its own its own public library branch. The town hosts schools for kindergarten through 12th grade, although these schools are within the DeSoto County school system.¹ It should also be noted that the community of Stonewall is wholly outside of any urbanized area. Based upon these factors alone, Stonewall is a community for FCC allotment purposes. *See, e.g., Hannibal, Ohio, 6 FCC Rcd. 2144, 69 RR 2d 113 (MMB 1991).*

B. **More Efficient Use of Frequency:** If the Commission grants this proposal, the number of persons served by KORI-FM will increase from 48,513 to 411, 442 -- an increase of about 850%!

C. **Mansfield Will Not Be Abandoned:** If the Commission grants this proposal, there will still be local FM radio service

¹ Most of this information was obtained from either the U.S. Census Bureau or the Stonewall Town Hall (telephone number: 318-925-9338).

provided to Mansfield by Radio Station KJVC-FM.² Also, DeSoto's KORI-FM will still provide city-grade service to Mansfield once Channel 284C3 is reallocated to Stonewall.

D. First Local Service Preference - The Proposal Will Not Provide Substantial Service to the Nearby Shreveport Urbanized

Area: Although grant of DeSoto's proposal would result in KORI-FM being located closer to the metropolitan area of Shreveport, less than 35% of Shreveport will be served by the proposed KORI-FM 1.0 mV/m contour. Therefore, Stonewall warrants a first local service preference. *See, Ada, Newcastle and Watonga, Oklahoma, supra; RKO General ("KFRC"), 5 FCC Rcd 3222 (1990); Faye and Richard Tuck ("Tuck"), 3 FCC Rcd 5374 (1988).*

Public Interest Showing

3. As stated in the Engineering Statement, DeSoto's proposal not only results in a more efficient use of Channel 284C3 but also provides the first aural outlet for Stonewall. In similar situations, the Commission has determined that the proposed channel reallocation is in the public interest. *See, Ada, Newcastle and Watonga, Oklahoma, supra.*

² Radio Station KJVC-FM had been silent for a long time, but recently resumed full time broadcast operations. The undersigned counsel also represents KJVC-FM.

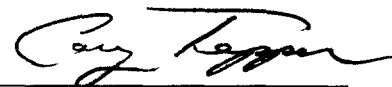
Statement of Interest

4. Should the instant rule making proposal be granted, DeSoto hereby expresses its intention to apply for the modification of the KORI-FM license to specify Channel 284C3 at Stonewall, Louisiana, and that further, if its Application is granted, to construct and operate the modified facility.

WHEREFORE, the above premises considered, DeSoto hereby respectfully urges the Commission to GRANT the instant Petition, and to AMEND the Table of FM Allotments to specify the reallocation of Channel 284C3 from Mansfield, Louisiana to Stonewall, Louisiana for the express purpose of modifying the KORI-FM license to specify Stonewall as its new community of license.

Respectfully submitted,

**DeSOTO BROADCASTING
CORPORATION**

By: 
Cary S. Tepper

Its Attorney

Booth, Freret, Imlay & Tepper, P.C.
1233 20th Street, N.W.
Suite 204
Washington, D.C. 20036

(202) 296-9100

January 31, 1997

Exhibit A

(Technical Statement of Lyndon H. Willoughby)

WILLOUGHBY & VOSS

TECHNICAL STATEMENT IN SUPPORT OF PROPOSED RULE MAKING DESOTO BROADCASTING CORPORATION, KORI RADIO

The firm of Willoughby & Voss has been retained by DeSoto Broadcasting Corporation, licensee of KORI, FCC File No. BLH-940609KB, to prepare the instant technical statement in support of a petition for rule making to amend the FM Table of Allotments by deleting Channel 284C3 at Mansfield, Louisiana, and assigning Channel 284C3 to Stonewall, Louisiana. Further, it is requested that the KORI license be modified to reflect Stonewall as the Community of License.

The instant proposal is mutually exclusive with the present assignment of KORI-FM to Mansfield, Louisiana. The deletion of Channel 284C3 at Mansfield, will leave that community with one local FM assignment, KJVC Ch.224A. Additionally, the proposed operation of KORI, from the allotment reference coordinates, will continue to provide 3.16 mV/m service to the community of Mansfield.

An allocation study of Channel 284C3 was performed, using allotment reference coordinates **32°07'00"N.L. 93°53'10"W.L.** This study shows the site meets all Class C3 distance separation requirements of §73.207 of the Commission's Rules. Exhibit A is a tabulation of the allocation study.

The allotment reference coordinates are 19.22 km (bearing 197.9°T), from the derived coordinates of Stonewall, Louisiana. This site restriction is necessary to meet the distance separation requirements to:

KJTX-Lic. & CP, Ch. 283A at Jefferson, TX

Allotment Ch. 283A at Gibsland, LA

KTOY-Lic. Ch. 284A at Texarkana, AR

WILLOUGHBY & VOSS

This proposed facility will serve all of the community of Stonewall with the required 3.16 mV/m contour, as demonstrated in Exhibit B, this exhibit also shows the allotment reference site.

The total area within the proposed 60 dBu contour is 4,781 sq.km. and will serve a population of 411,442, an increase of 850% over the 48,513 persons presently served.

The U.S. Census Bureau has designated Stonewall as a "census place". The population figure for Stonewall proper is 1,818. The town of Stonewall, Louisiana, is an incorporated municipality. It has a public library and schools from kindergarten through 12th grade. Adoption of this proposal will provide Stonewall with "first local service". The community of Stonewall is wholly outside of any urbanized area. Although the proposed community of license change results in the facility being closer to the metropolitan area of Shreveport, less than 35% of Shreveport will be served by the proposed KORI 1.0 mV/m contour.

In light of the above facts, it is requested that the Table of Allotments contained in Section §73.202(b) of the Commission's Rules be amended to read as follows:

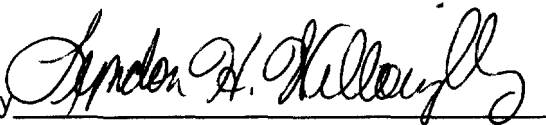
<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Mansfield, LA	224A, 284C3	224A
Stonewall, LA	none	284C3

Upon adoption of the above requested changes, formal application for the respective facility will be filed with the FCC.

The foregoing was prepared on behalf of DeSoto Broadcasting Corporation, by, or under the immediate supervision of Lyndon H. Willoughby, of Willoughby & Voss, San Antonio, Texas.

WILLOUGHBY & VOSS

The affiant's qualifications are contained in previous filings and are a matter of record with the Federal Communications Commission. The statements and data contained herein are true and correct of his own knowledge, except for statements made on information and belief and as to those statements, he believes them to be true and correct.

By 

Lyndon H. Willoughby, Affiant

Date: January 30, 1997

WILLOUGHBY & VOSS

SPACING STUDY FROM PROPOSED ALLOTMENT COORDINATES

FM Channel Study for Channel 284C3 at 32- 7- 0 93-53-10
 Safe Distance of 25.0 Kilometers
 New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel	Call		City	State	Lat	Distance	Reqr'd
Applicant/Licensee					Long	Bearing	Clear
281C	KJLOFM	LIC	Monroe	, LA	32-39-36	179.64	96.0
New South Communications, Inc.	97.00 kW			310M	92- 5-15	69.93	83.64
281C		USED	Monroe	, LA	32-39-36	179.64	96.0
	0.00 kW			OM	92- 5-15	69.93	83.64
281C2	KKUS	LIC	Tyler	, TX	32-29-40	156.03	56.0
Tyler FM, Incorporated	50.00 kW			150M	95-28-55	286.00	100.03
281C2		USED	Tyler	, TX	32-18-59	146.81	56.0
	0.00 kW			OM	95-25-32	279.08	90.81
282C3	KEZP	LIC	Bunkie	, LA	31- 5-14	184.44	43.0
Owensville Communications Company	18.00 kW			117M	92-21-34	127.83	141.44
282A	KGASFM	CP MOD	Carthage	, TX	32- 8-33	51.17	42.0
Hanszen Broadcasting	6.00 kW			100M	94-25-39	273.35	9.17
282A		USED	Carthage	, TX	32- 9-24	42.90	42.0
	0.00 kW			OM	94-20-18	276.05	0.90
282A		VACANT	Stamps	, AR	33-23-20	143.16	42.0
	0.00 kW			OM	93-37-38	9.69	101.16
283A		USED	Jefferson	, TX	32-48-39	88.27	89.0
	0.00 kW			OM	94-20-44	330.82	-0.73
283C1	KKMY	LIC	Orange	, TX	30- 8- 7	219.71	144.0
GulfStar Communications Port Arthur	100.00 kW			122M	93-50-39	178.95	75.71
283A		USED	Glenwood	, AR	34-19-30	246.91	89.0
	0.00 kW			OM	93-33- 0	7.20	157.91
283A	KWXE	LIC	Glenwood	, AR	34-18-38	245.51	89.0
Caddo Broadcasting	3.00 kW			100M	93-32- 4	7.58	156.51
283A		USED	Camden	, AR	33-35- 6	190.34	89.0
	0.00 kW			OM	92-50- 0	30.90	101.34
283A	KJTX	LIC	Jefferson	, TX	32-48-13	88.92	89.0
Wisdom Ministries, Inc.	1.75 kW			129M	94-22-26	329.08	-0.08

WILLOUGHBY & VOSS

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FM Channel Study for Channel 284C3 at 32- 7- 0 93-53-10
 Safe Distance of 25.0 Kilometers
 New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel	Call	City	State	Lat	Distance	Reqr'd
Applicant/Licensee				Long	Bearing	Clear
283A NEW APP	Gibbsland	LA	32-32-48	95.94	89.0	
Mr. George B. Wilkes, III		100M	93- 0- 7	59.96	6.94	
283C USED	Orange	TX	30- 8- 7	219.71	176.0	
		OM	93-50-39	178.95	43.71	
283A KJTX CP	Jefferson	TX	32-49-23	95.95	89.0	
Wisdom Ministries, Inc.		162M	94-28-32	324.88	6.95	
283A VACANT	Gibbsland	LA	32-32-27	88.52	89.0	
		OM	93- 5-23	57.69	-0.48	
283C KKMV CP	Orange	TX	30- 8- 6	219.79	176.0	
GulfStar Communications Port Arthur		335M	93-57- 1	181.61	43.79	
283A KMGC LIC	Camden	AR	33-30-14	183.88	89.0	
JADE Communications, Inc.		100M	92-48-38	32.93	94.88	
284A USED	Texarkana	AR	33-24-46	144.82	142.0	
		OM	94- 4-29	353.04	2.82	
284A VACANT	Antlers	OK	34-13-54	283.94	142.0	
		OM	95-36- 6	326.16	141.94	
284A KPXS LIC	Vidalia	LA	31-34-44	243.08	142.0	
Vision Broadcasting, Inc.		81M	91-23-47	103.54	101.08	
284C3 KORI LIC	Mansfield	LA	31-57-49	17.02	153.0	
DeSoto Broadcasting Corporation		100M	93-53-58	184.25	-135.98	
284C2 KKYS LIC	Bryan	TX	30-42-59	282.82	177.0	
RadioSunGroup of Bryan/College Station,		87M	96-22-20	237.35	105.82	
284A KPXS CP	Vidalia	LA	31-35- 5	243.66	142.0	
Vision Broadcasting, Inc.		81M	91-23-18	103.35	101.66	
284C2 NEW APP	Greenville	MS	33-25-20	304.43	177.0	
Mid America Broadcasting, Inc.		110M	91- 1-41	60.84	127.43	
284A KTOY LIC	Texarkana	AR	33-27-25	151.21	142.0	
Jo-A1 Broadcasting, Inc.		119M	94-10-59	349.48	9.21	

WILLOUGHBY & VOSS

SPACING STUDY FROM PROPOSED ALLOTMENT COORDINATES

FM Channel Study for Channel 284C3 at 32- 7- 0 93-53-10
 Safe Distance of 25.0 Kilometers
 New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel	Call		City	State	Lat	Distance	Reqr'd
Applicant/Licensee					Long	Bearing	Clear
284C3	KNEKFM	LIC	Washington	LA	30-25-17	252.62	153.0
Dee Broadcasting, Inc.				100M	92- 6-50	137.62	99.62
284C3		USED	Washington	LA	30-26-45	247.87	153.0
				OM	92- 9-24	137.91	94.87
284C3		USED	Mansfield	LA	31-57- 5	18.33	153.0
				OM	93-53- 8	179.84	-134.67
284A		USED	Vidalia	LA	31-34-20	240.12	142.0
				OM	91-25-51	103.91	98.12
284C2		USED	Bryan	TX	30-43-30	281.19	177.0
				OM	96-21-30	237.36	104.19
285C3		USED	Jonesboro	LA	32- 6-30	97.53	99.0
				OM	92-51-10	90.27	-1.47
285A	KBYOFM	LIC	Tallulah	LA	32-25-38	253.46	89.0
Sharing, Inc.				91M	91-13-15	81.48	164.46
285A	KHPA	LIC	Hope	AR	33-43-10	181.66	89.0
Newport Broadcasting Co.				91M	93-29- 7	11.80	92.66
285A	KYCXFM	LIC	Mexia	TX	31-42-25	253.52	89.0
First American Broadcasting Corp.				107M	96-31-23	260.37	164.52
285A		USED	Crossett	AR	33- 8- 5	214.16	89.0
				OM	91-56-49	57.67	125.16
285A	KWNS	LIC	Winnsboro	TX	32-56-32	162.46	89.0
Winnsboro Broadcasting Co., Inc.				86M	95-18-53	304.68	73.46
285A	KAGHFM	CP	Crossett	AR	33- 8- 5	214.16	89.0
Ashley County Broadcasters, Inc.				100M	91-56-49	57.67	125.16
285A	KWNF	DEL	Winnsboro	TX	32-56-32	162.46	89.0
Cavalier Broadcasting				OM	95-18-53	304.68	73.46
285C3	KTOCFM	LIC	Jonesboro	LA	32-13-28	110.24	99.0
Jackson Parish Broadcasting				75M	92-43-27	83.47	11.24

WILLOUGHBY & VOSS

SPACING STUDY FROM PROPOSED ALLOTMENT COORDINATES

FM Channel Study for Channel 284C3 at 32- 7- 0 93-53-10
Safe Distance of 25.0 Kilometers
New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel Call Applicant/Licensee	City	State	Lat Long	Distance Bearing	Regrd Clear
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285A KAGHFM LIC Crossett Ashley County Broadcasters, Inc.	3.00 kW	, AR 84M	33- 8- 5 91-56-49	214.16 57.67	89.0 125.16
285A USED Winnsboro	0.00 kW	, TX OM	32-56-32 95-18-53	162.46 304.68	89.0 73.46
285A USED Hope	0.00 kW	, AR OM	33-43-10 93-29- 7	181.66 11.80	89.0 92.66
285A USED Mexia	0.00 kW	, TX OM	31-42-25 96-31-23	253.52 260.37	89.0 164.52
286C KYKS LIC Lufkin Gulfstar Broadcasting, L.C.	100.00 kW	, TX 325M	31-22- 8 94-38-45	109.80 221.17	96.0 13.80
286C USED Lufkin	0.00 kW	, TX OM	31-24-28 94-45-53	114.48 226.87	96.0 18.48
287A KNCBFM CP MOD Vivian North Caddo Broadcasting Company	1.40 kW	, LA 140M	32-55-54 93-54-22	90.40 358.81	42.0 48.40
287C2 USED Monroe	0.00 kW	, LA OM	32-30- 0 92- 7- 0	171.98 75.22	56.0 115.98
287C2 KLIP LIC Monroe Choctaw Broadcasting Corp.	50.00 kW	, LA 132M	32-33- 8 92- 8-33	171.12 73.14	56.0 115.12
287A USED Vivian	0.00 kW	, LA OM	32-56-15 93-56- 0	91.13 357.22	42.0 49.13

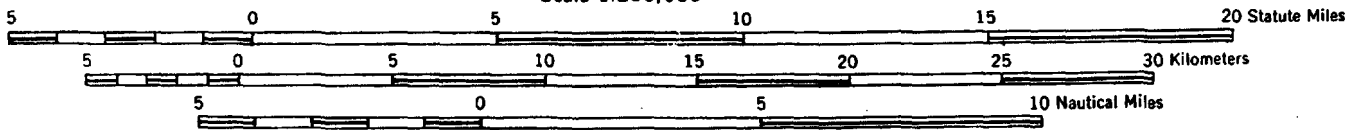
1:250,000 SCALE MAP

SHREVEPORT, LA

USGS Cntr. Int. 50 ft

32°30'00"

Scale 1:250,000



STONEWALL

PRECISE CITY LIMITS OF STONEWALL ARE INDISTINGUISHABLE ON THIS SCALE OF MAP, HOWEVER, AS DEMONSTRATED, THE 3.16 mV/m CONTOUR WILL EXTEND WELL BEYOND THE CITY LIMITS.

3.16 mV/m

WILLOUGHBY & VOSS

BROADCAST TECHNICAL CONSULTANTS

DE SOTO BROADCASTING CORP.

KORI, STONEWALL, LA

SITE & COVERAGE MAP


EXHIBIT B

93°45'00"

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 31st day of January, 1997, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
2000 M Street, N.W.; Room 554
Washington, D.C. 20554


Cary S. Tepper, Esq.

*/ indicates delivery by hand